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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,318	10/30/2001	Akira Koike	SCEIYA 3.0-097	8369
530      7590      07/02/2004 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER ASHBURN, STEVEN L	
			ART UNIT 3714	PAPER NUMBER

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/020,318	<b>Applicant(s)</b> KOIKE, AKIRA	
	<b>Examiner</b> Steven Ashburn	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/4/04</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

**Claims 1, 2, 6, 7, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Terajima et al., Japanese Unexamined Patent Application Publication 7-302159 (Nov. 14, 1995).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

**Claims 13, 14, 18, 19, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bersheim, U.S. Patent 4,491,325 (Jan. 1, 1985).**

Bersheim discloses an analog controller that controls on object in a simulation on the operational amount of force placed on a joystick and switches. The particular features of the listed claims are discussed below.

Claims 13, 18, 23 and 24: Bersheim discloses determining the force applied to an object displayed on a screen from a force applying object displayed on the screen according to the output value from both the magnitude of force applied by the operator to the switch and the degree of inclination imparted to the operating lever by the operator. *See fig. 5, 6; col. 2:23-40, 2:57-3:3, 5:48-54; 8:19-39.* The force applying object is a game character which interacts with other game objects. *See col. 2:36-40.* Hence the claims are unpatentable because Bersheim anticipates every feature.

Claims 14 and 19: Bersheim discloses determining an amount of change per unit time of the output value, wherein the force is determined based on the amount per unit time. *See 2:60-68.*

**Claim Rejections - 35 USC § 103**

**Claims 3-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terajima in view of Koshiba et al., U.S. Patent 6,040,840 (Mar. 21, 2000).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

**Claims 15-17 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bersheim in view of Koshiba et al., U.S. Patent 6,040,840 (Mar. 21, 2000).**

Claims 15 and 20: Bersheim does not disclose deforming an object based on the output of the controller. Although *Terajima* does not anticipate this feature, as discussed below, it would have been obvious to an artisan in view of Koshiba. Koshiba discloses an analogous system in which a user manipulates objects on a screen using a controller. In particular, it describes deforming an object based on the output of a controller. *See col. 1:56-60*. In view of Koshiba, it would have been obvious to an artisan at the time of the invention to modify the system disclosed by Bersheim, wherein determining the force on object displayed on a screen according to the output value a variable controller, to add the feature of deforming an object based on the output of the controller. As suggested by Koshiba, deforming objects displayed on a computer screen allows designers to model the size and shape of a product before deciding on the final design. *See col. 1:7-11*. Furthermore, as suggested by Bersheim, using a variable controller which responds to both the force and time accurate control of objects in a game simulation. *See col. 2:36-40*

Claims 16 and 21: Koshiba discloses an object being clay and a force-applying means being a hand. *See fig. 15, 18; col. 1:66-2:2, 12:44-45, 15:41-55*.

Claims 17 and 22: Koshiha discloses a force-applying means being a human hand or tool used by a human, and wherein the shape of the object is readily deformed by the hand or tool. *See id.*

### **Response to Arguments**

Applicant's arguments filed March 16, 2004 have been fully considered but they are not persuasive. First, the applicant argues that Terajima does not anticipate the claimed feature of determining the force applied to the object displayed on a screen according to the output value representing the magnitude of the force applied to by the operator because Terajima only used force to calculate the distance a character travels, not the force applied to the character itself. The examiner respectfully disagrees. At page 22, ¶ 45, Terajima states that the operator input is expressed as the magnitude of impact (i.e. force) from which a character suffers when it collides with another character. Thus, Terajima teaches the claim limitation. Notably, one might presume that the term "character" is limited to humans or other animals. However the definition of "character" is not so limited in the art. A character can be any animated object displayed on the screen. For example, a pool ball or pool stick. Thus, in context of Terajima's disclosure, the reference suggests a game using an analog button to allow an operator to determine the force applied by a pool stick to a pool ball displayed on the screen. In this sense, it is clearer that Terajima anticipates the claimed invention.

Second, the applicant argues that the claimed invention is not obvious in view of the combination of Terajima and Koshiha because Koshiha does not disclose or suggest the use of a pressure sensitive switch as representing a magnitude of force applied to an object displayed on the screen. The examiner respectfully disagrees. The standard of patentability is what the prior art, taken as a whole, suggests to an artisan at the time of the invention. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The question is not only what the references expressly teach, but what they would collectively suggest to one of ordinary skill in the art. *In re Simon*, 461 F.2d 1387, 1390, 174 USPQ 114,

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116 (CCPA 1972). In this case, Terajima discloses determining the force on object displayed on a screen according to the output value of a pressure-sensitive controller. *See supra. Koshiba* discloses an analogous system in which a user manipulates objects on a screen using a controller. In particular, it describes deforming an object based on the output of a controller. *See col. 1:56-60*. Hence, when the prior art, when is taken as whole by an artisan at the time of the invention, it collectively suggests the use of a pressure sensitive switch as representing a magnitude of force applied to an object displayed on the screen to allows more complex and detailed control of the objects. *See Terajima, fig. 3, 4; ¶¶ 99, 100*.

Consequently, for the reasons given above the rejection of claims 1-12 is respectfully maintained.

#### **Prior Art, Not Relied On**

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: US 6,522,331 teaches that a "character" in a computer animation is any distinct, animated object including, for example, a baseball player, a baseball or a base on a field. *See col. 1:12-16*.

#### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner's Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

s.a.

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

MARK SAGER  
PRIMARY EXAMINER